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EXAMINER

MILLER, JONATHAN R

ART UNIT PAPER NUMBER

3653

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/720,228

Applicant(s)

RATY ET AL. 

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 11/20/03 have been fully considered but they are not persuasive. The reasoning is set forth below.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 – 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 15 recites a “reeling carriage” in addition to the elements of claim 18, which include a “slide” and a “supporting surface”. It is not clear to the Examiner how these elements relate to one another. Is the reeling carriage another name for the slide, or the supporting surface? If this is the case, then the element is claimed twice and has different names. Or are each of these elements distinct from each other. The Examiner understands the relation between the slide and the supporting surface, but not how the reeling carriage relates to other two elements. In the Applicant's last correspondence, in response to this rejection, it is stated that “[i]n claim 15, the reeling carriage (33) is a device different from the slide 95. The reeling carriage's purpose is to move the reel (R) on the slide, as it is shown in Figs. 4b and 4c.” This, however, does not clarify the issue, because the Examiner can find no reference to element 95 in the specification.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8 – 15 and 18 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas et al. The reference discloses (see Figs. 5 and 6) reeling means (19) for guiding a web onto a reel spool (43) to thereby form a reel; supporting structures (13) having a bearing surface for supporting said reel spool having a reel being formed and a complete reel thereon and on which said at least one of said reel spool and said complete reel can roll (17 and/or 27; element 17, at different points in time, supports a reel spool having a reel being formed and a complete reel, therefore element 17 alone could meet the limitation); and a slide (5) having a supporting surface (17) structured and arranged to retain said reel spool thereon, wherein said slide is structurally distinct and detached from said reeling means and said slide is independently movable relative to said reeling means whereby said supporting surface is movable from a functional vicinity of the reeling means to a vicinity of the bearing surface of the supporting structure. The Examiner contends that elements 5 (designated as the slide) and 19 (or 19') (designated as the reeling means) meet the limitations of claim 8 and claim 18. The slide (5) is structurally distinct and detached from said reeling means (19) and said slide is independently

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movable relative to said reeling means whereby said supporting surface is movable from a functional vicinity of the reeling means to a vicinity of the bearing surface of the supporting structure. The reeling means via its support surface (element 20) is structured so that the reeling means and the slide are independently moveable relative to each other. Applicant states that this is not what is meant by the term "independent", however, the Examiner disagrees. These two elements (5 and 19) are designed and structured such that one can be moved without moving the other, and vice versa.

6. In regards to claim 9, the reference discloses the supporting surface and the bearing surface substantially on the same horizontal and vertical planes (Figs. 3 -6).

7. In regards to claim 10, the reference discloses the supporting surface arranged in a slide (5 and 17), the slide supported by the supporting structure (9).

8. In regards to claim 11, the reference discloses the supporting surface having a width equal to a width of the bearing surface (Fig. 4; see 17 and 27, although bearing surfaces not specifically numbered; see col. 9, lines 10+). This claim language does not require the equal widths of the supporting surface and the bearing surface to be exactly aligned.

9. In regards to claim 12, the reference discloses the supporting surface of the slide is provided with a mating surface formed on an end thereof and wherein the bearing surface is provided with a corresponding mating surface formed on an end thereof such that when the slide is brought in contact with the bearing surface, a mating section is formed there between, the mating section extending on at least a length of the supporting surface and the bearing surface (Fig. 3; col. 7, lines 30+; col. 9, lines 10+). As can be seen from Fig. 3- 6, as the roll is transferred the supporting surface slides towards the bearing surface. At a point in this process,

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ends of the two surfaces – part of each can be called “mating surfaces” – overlap. This overlap by definition discloses a mating section extending on at least a length of the supporting surface and the bearing surface.

10. In regards to claim 13, the reference discloses the supporting surface is a rolling surface on which the reel spool can roll and move with respect to the supporting surface. As the material is wound onto the spool, the spool rolls and moves with respect to the supporting surface.

Furthermore, as the reel spool is transferred to the bearing surface, the reel spool can roll (Figs. 5 and 6).

11. In regards to claim 14, the reference discloses the supporting surface forms an extension of the bearing surface, whereby the reel spool can be moved from the support surface to the bearing surface by rolling (Figs. 5 and 6; col. 10, lines 5+).

12. In regards to claim 15, the reference discloses providing a reeling carriage (23) for supporting the reel during a change of the reel, and providing a pressing device (shown in Figs. 1 – 3 as part of element 23; the Examiner is referring to the roll just below and to the right of the reeling means) in the form of a roll attached to the reeling carriage wherein, substantially immediately after the reel change, the reeling carriage is driven to the vicinity of the reeling means.

13. In regards to claim 18, the reference discloses providing a reel spool with opposed ends, providing reeling means for guiding the web onto the reel spool (19), with a nip between the reeling means and reel spool (Fig. 5), supporting the ends of the reel spool on a slide having a supporting surface (5, 17) when the reeling means and the reel spool are in a nip closed position, wherein said slide is structurally distinct and is detached from said reeling means and said slide

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is independently movable relative to said reeling means forming a reel on the reel spool, and changing the position of the reel with respect to the reeling means, as the reel is being formed on the reel spool (col. 5, lines 55+; col. 9, lines 10+). (also see discussion of claim 8)

14. In regards to claim 19, the reference discloses sliding the supporting surface away from the reeling means as the reel being formed on the reel spool grows in diameter (col. 5, lines 55+; Fig. 5).

15. In regards to claim 20, the reference discloses providing a bearing surface to receive the reel spool from the supporting surface thereon, wherein the supporting surface is provide with a rolling surface vertically aligned with the bearing surface such that the pair of opposed ends of the reel spool can roll from the supporting surface to the bearing surface (Figs. 5 and 6).

16. In regards to claim 21, the reference discloses placing the empty reel spool onto the supporting structure at an initial stage of the reeling process (col. 7, lines 1+).

17. In regards to claim 22, the reference discloses, during a reel spool change situation, opening the nip closed position by sliding the reel spool away from the reeling means and transferring the reel spool from the supporting surface to rail members (col. 7, lines 30+).

18. In regards to claim 23, the reference discloses, during a reel spool change situation, sliding the support surface into an initial position in the vicinity of the reeling means, and transferring a new reel spool on to the support surface (col. 7, lines 1+).

19. In regards to claim 24, the reference discloses, during a reel spool change situation, sliding the support surface, having a full reel spool supported thereon, along rail members and rolling the full reel from the support surface to the bearing surface (col. 7, lines 30+). The

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reference discloses that the spool may be full before transporting from the support surface to the bearing surface, but need not be.

20. Claims 15 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kyytsonen.

21. In regards to claim 15, the reference discloses providing a reeling carriage (35A) for supporting a reel during a change of the reel, and providing a pressing device (35) in the form of a roll attached to the reeling carriage, wherein, substantially immediately after the reel change, the reeling carriage is driven to the vicinity of a reeling means (Figs. 1 – 5).

22. In regards to claim 16, the reference discloses starting the reeling on the new spool before the reeling carriage is driven to the vicinity of the reeling means (Figs. 4 and 5).

23. In regards to claim 17, the reference discloses reeling a web onto a support of a primary reeling device for a suitable period of time, after the change of the reel takes place, and driving the reeling carriage together with the pressing device to the vicinity of the reeling means of the reeling means during the period of time (Figs. 4 and 5).

### ***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778.

The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jrm

  
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